

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHILO BILL NIGHTSHOOT,

Defendant.

CR 11-31-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his Findings and Recommendations on January 25, 2018. Defendant admitted that he had violated the conditions of his supervised release: 1) by committing another crime; and 2) by failing to notify his probation officer of a change in residence. Judge Johnston found the admissions sufficient to establish the supervised release violations.

Judge Johnston recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of six months, to run consecutive to the term of custody Defendant received in Great Falls Municipal Court for Partner/Family Member Assault. Judge Johnston further recommended that the Defendant be placed on supervised release for 30 months following his term of custody.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings and recommendations. Defendant admitted that he had violated the conditions of his supervised release. Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of four to ten months. A term of custody of 6 months, followed by 30 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 41) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 14th day of February, 2018.



Brian Morris
United States District Court Judge